



Federal Communications Commission
Washington, D.C. 20554

DA 07-821
February 23, 2007

Michael E. Carosella
QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, CA 92121

Re: WPZA238, Chicago, IL
ULS File No. 0002786987

Dear Mr. Carosella,

On October 16, 2006, you filed an FCC Form 601 application for modification of station WPZA238, seeking authorization to operate on TV Channel 55 in the Chicago, IL area.¹ Your application incorporates consent from four broadcasters, pursuant to section 27.60(b)(1)(iv) of the Commission's rules.² This rule section permits a 700 MHz Band licensee to obtain the written concurrence of a co-channel or adjacent channel TV/DTV broadcaster, whereby the incumbent broadcaster consents to accept higher levels of interference than the rule otherwise permits, subject to Commission approval.³

Your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and GOCOM Media of Illinois, LLC ("GOCOM"), the licensee of WRSP-TV, analog channel 55, in Springfield, Illinois. In the agreement, GOCOM has agreed to accept potential interference to 5.48% of the population in the Grade B contour of WRSP-TV licensed facilities (BLCT-20030627AAF). We note that this interference represents the total amount of interference that WRSP-TV will experience from QUALCOMM's operations in Indianapolis, IN, Chicago, IL and St. Louis, MO, and that GOCOM's consent covers QUALCOMM's operations in all three markets. QUALCOMM will operate in Chicago from multiple sites. The Commission initially authorized QUALCOMM to operate in

¹ The application was amended, under the same ULS file number, on October 17 and 31, 2006; November 13 and 28, 2006; and February 6, 2007. The Commission placed the application on public notice. *See* Wireless Bureau Market-Based Applications Accepted for Filing, *Public Notice*, Report No. 2724 at 3 (rel. Nov. 22, 2006). No petitions have been filed against the application.

² *See* 47 C.F.R. § 27.60(b)(1)(iv).

³ This approval process involves an analysis by the Media Bureau, under delegated authority, to determine whether grant of the application is in the public interest. *See* Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 20845 (2000) (basis for public interest analysis of Lower 700 MHz consent agreements); Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), GN Docket No. 01-74, *Report and Order*, 17 FCC Rcd 1022 (2002) (framework for public interest analysis of Lower 700 MHz "band-clearing" agreements) ("Lower 700 MHz Report and Order").

Chicago on April 18, 2006.⁴ We previously granted QUALCOMM's request to operate in St. Louis on January 19, 2007.⁵ We also concurrently grant QUALCOMM's application for additional facilities in Indianapolis by separate letter.⁶

Your application also includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and ION Media Networks, Inc. ("ION"), formerly known as Paxson Communications Corporation, licensee of WPXE-TV, analog channel 55, in Kenosha, WI. In the agreement, ION has agreed to accept potential interference to 28.87% of the population in the Grade B contour of WPXE-TV licensed facilities (BLCT-19970707KF).⁷

Your application includes as well a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and Northwest Indiana Broadcasting, Inc. ("Northwest") licensee of WYIN-TV, channel 56, in Gary, IN. In the agreement, Northwest has agreed to accept potential interference to 1.23% of the population in the Grade B contour of WYIN-TV licensed facilities (BMLET-20050811AAD).⁸

Finally, your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and NEXSTAR Broadcasting, Inc. ("NEXSTAR") licensee of WFFT-TV, channel 55, in Ft. Wayne, IN. In the agreement, NEXSTAR has agreed to accept potential interference to 1.16% of the population in the Grade B contour of WFFT-TV licensed facilities (BLCT-20001002APS). We note that this interference level is a result of QUALCOMM's operations in Indianapolis as well as Chicago and represents the total amount of interference WFFT-TV will experience from QUALCOMM's operations in both Indianapolis and Chicago. NEXSTAR has provided its consent for QUALCOMM's operations in both markets.

⁴ See letter to Jennifer M. McCarthy, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, 21 FCC Rcd 4093 (2006).

⁵ See letter to Michael E. Carosella, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, dated January 19, 2007 (DA 07-122).

⁶ See letter to Michael E. Carosella, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, dated February 23, 2007 (DA 07-820).

⁷ We note that the licensee of WPXE-TV previously agreed to accept potential interference to 27% of the population within its Grade B contour from QUALCOMM's initial Chicago authorization. The licensee of WPXE-TV has agreed to accept interference to an additional 1.87% of its population.

⁸ We note that the licensee of WYIN-TV previously agreed to accept potential interference to 0.7% of the population within its Grade B contour from QUALCOMM's initial Chicago authorization. The licensee of WYIN-TV has agreed to accept interference to an additional 0.53% of its population.

For the reasons discussed below, we find that grant of the application is in the public interest.⁹ First, our approval of the application will allow QUALCOMM to deploy its MediaFLO (“forward link only”) technology, a “mediacast” service capable of delivering many channels of multimedia content to third generation (“3G”) wireless phones. According to QUALCOMM, which holds licenses for Channel 55 (Block D in the Lower 700 MHz Band) covering the entire nation, MediaFLO initially will provide up to fifteen live streaming video program channels, numerous video “clip cast” channels from which subscribers can choose video clips for viewing on-demand, and numerous audio channels.¹⁰ QUALCOMM states that MediaFLO will be available at “mass market” prices for most of the nation’s over 194 million mobile phone customers, and that it will spur the development of new content and new technologies.¹¹ QUALCOMM also intends that the network will carry local programming and core public interest program content such as breaking news, weather, and public affairs, as well as maintain network capability to disseminate emergency alert information, in both visual (including textual) and auditory form. QUALCOMM further states that its MediaFLO technology offers distinct efficiency and cost advantages in delivering content to a large mobile subscriber base, as compared to cellular and higher-frequency based systems. Moreover, as QUALCOMM notes, MediaFLO will be affordable, readily available and will stimulate new development on a large scale within the emerging technology of mobile video.¹² Given that QUALCOMM’s business plan calls for an investment of \$800 million, grant of this application will contribute to the growth of the American economy.¹³

With respect to WRSP-TV, we previously determined that the public interest would be served by approving QUALCOMM’s application to provide its MediaFLO service in the St. Louis area, which also included the consent of GOCOM to accept higher levels of interference to WRSP-TV.¹⁴ In this case, the area of interference in St. Louis and Chicago are the same. In addition, in the initial QUALCOMM authorization to operate in Chicago, we determined that the public interest would be served by approving that application, which included the consent of Paxson to accept potential interference in an area where 27% of the people covered by the WPXE(TV) Grade B contour reside, and the consent of Northwestern to accept potential interference in an area where 0.7% of the people covered by the WYIN(TV) Grade B contour reside. While the amount of interference agreed to with respect to the instant application is not identical to the levels of interference previously approved, the increases are minimal and we conclude for the same reasons set forth in the initial Chicago authorization that the public interest would be served by approving QUALCOMM’s application.¹⁵ Neither station is among the “top four” in its market and all affected viewers will continue to receive over 25 other stations. In addition, all affected WPXE(TV) viewers will continue to receive network service from another Paxson affiliate, and all affected WYIN(TV) viewers will continue to receive PBS service from another noncommercial educational station.

⁹ With respect to any stations receiving interference for which consent is not provided, we note that Qualcomm’s proposed operations are in accordance with the terms of the Commission’s Order granted October 13, 2006. *See* Qualcomm Incorporated Petition for Declaratory Ruling, *Order*, 21 FCC Rcd 11683 (2006).

¹⁰ QUALCOMM Attachment to application for modification of Station WPZA238, ULS File No. 0002395142 at 5.

¹¹ *Id.*

¹² *Id.* at 5, 6.

¹³ *Id.* at 6.

¹⁴ *See supra* n.5.

¹⁵ *See supra* n.4.

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Finally, with respect to WFFT-TV, there are four other full service television stations licensed to Fort Wayne, and the entire area of agreed-upon interference is served by no fewer than eight other TV/DTV stations and as many as 17 stations. While WFFT-TV is a Fox affiliate, the area of agreed-upon interference is served by another Fox affiliate, WSJV-TV/DT, in the South Bend-Elkhart, Indiana DMA. In addition, almost all of this area is outside the Fort Wayne DMA; in fact, only 0.22% of the population within the DMA is predicted to receive interference.

Accordingly, we believe that the public interest will be served by a grant of QUALCOMM's application, conditioned upon operating within the technical parameters specified in the application, and in accordance with all of the Agreements listed above. Any changes to the technical parameters of the proposed facilities that will result in levels of interference greater than those agreed to in the preceding agreements referenced herein, or that result in any additional interference under the thresholds established in the Commission's Qualcomm Order, will require separate Commission approval.

Sincerely,

Barbara A. Kreisman, Chief
Video Division
Media Bureau

Roger S. Noel, Chief
Mobility Division
Wireless Telecommunications Bureau